

THE HONORABLE TANA LIN

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

PACIFIC WATER TECHNOLOGY  
LLC et al.,

Plaintiffs,

v.

RYAN R WEAR et al.,

Defendants.

No. 2:24-cv-01164-TL

STIPULATION AND ORDER  
CONTINUING STATE COURT  
TEMPORARY RESTRAINING ORDER AS  
TO WEAR PARTIES

NOTING DATE: AUGUST 29, 2024

**STIPULATION**

Plaintiffs in this action (the “Pacific Parties”), by and through their undersigned counsel, and Defendants Ryan Wear and Elizabeth Swain (“Wear and Swain Parties”), by and through their undersigned counsel, respectfully Stipulate as follows:

1. On April 16, 2024, the Pacific Parties initiated the state court action captioned as *Pacific Water Technology, LLC et al v. Ryan Wear et al.*, Case No. 24-2-2887-31 (the “Pacific Parties Action”) in Snohomish County Superior Court against a number of Defendants including the Wear and Swain Parties. Dkt. 17, Ex. 1.

2. On April 26 2024, Pacific Parties obtained a Temporary Restraining Order (“April 26 TRO”) enjoining the Defendants in the Pacific Parties Action, including the Wear

1 and Swain Parties, from dissipating assets and from engaging in transactions outside the  
2 ordinary course of business. Dkt. 17, Ex. 3. Pacific Parties deposited the \$20,000 bond with the  
3 Snohomish County Superior Court clerk on April 30, 2024.

4 3. On July 12, 2024, Snohomish County Superior Court entered a stipulated order  
5 continuing the aforementioned TRO, as amended, through the following date: August 30, 2024.

6 4. On August 1, 2024, First Fed, who at that time had been made a defendant in the  
7 Pacific Parties Action, filed a disputed Notice of Removal in the Pacific Parties Action (“August  
8 1 Notice of Removal”). Dkt. 1.

9 5. On August 23, 2024, King County Superior Court entered an Order Granting  
10 Motion to Amend Appointing Order and for Other Relief in the matter *In re Receivership of*  
11 *Creative Technologies, L.L.C.* (“Creative Receivership”), expanding that receivership to  
12 include two additional defendants in this matter: Defendant Refreshing USA, LLC and Water  
13 Station Management, LLC (“Management Order”). The Management Order is not directed at  
14 the Wear and Swain Parties in their individual capacities.

15 6. Pursuant to 28 U.S.C. § 1450, “[a]ll injunctions, orders, and other proceedings”  
16 entered prior to removal in any action removed to federal court “shall remain in full force and  
17 effect until dissolved or modified by the district court.”

18 7. The parties to this Stipulation have agreed to the continuation of the April 26  
19 TRO, as amended, through October 30, 2024. This Stipulation does not prejudice Pacific  
20 Parties’ rights to seek remand to Snohomish County Superior Court.

21 Now, therefore, the undersigned parties stipulate to entry of the following order affirming  
22 their agreement to continue the TRO as to the Wear and Swain Parties until October 30, 2024.

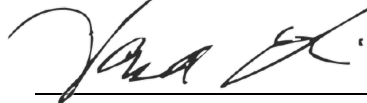
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**STIPULATED ORDER**

Pursuant to the parties' stipulation, it is so ordered. The April 26 TRO, as amended, shall be continued through October 30, 2024 as to the Wear and Swain Parties. Pacific Parties may file any Motion for Preliminary Injunction by October 3, 2024. The Wear and Swain Parties reserve all defenses.

DATED this 30th day of August, 2024.



Tana Lin  
United States District Court Judge

STIPULATED AND PRESENTED this 29th day of August, 2024, by:

CORR CRONIN LLP

PATRICK L. VAIL PLLC

s/ John T. Bender

s/ Patrick L. Vail

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*Counsel for Defendants Ryan Wear and Elizabeth Swain*

*I certify that this memorandum contains 450 words, in compliance with the Local Civil Rules*

**CERTIFICATION**

Undersigned counsel certifies that on August 27 and August 28, 2024, they conferred with Counsel for Defendants Ryan Wear and Elizabeth Swain in the state court action captioned as Pacific Water Technology, LLC et al v. Ryan Wear et al., Case No. 24-2-2887-31 (the “Pacific Parties Action”) with respect to this stipulation and proposed order. Counsel for Defendants Ryan Wear and Elizabeth Swain subsequently stipulated to this stipulation and proposed order to continue the April 26 TRO.

In addition, out of an abundance of caution, the undersigned counsel certifies their efforts to confer with the parties in the related consolidated cases by phone and/or via e-mail prior to filing the above motion. See Declaration of Kristen F. Barnhart dated August 29, 2024, filed contemporaneously herewith.

Certified and dated this 29<sup>th</sup> day of August, 2024, by

**CORR CRONIN LLP**

s/ John T. Bender

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*Counsel for Pacific Parties*

**CERTIFICATE OF SERVICE**

I hereby certify that on August 30, 2024, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to those attorneys of record registered on the CM/ECF system. All parties (if any) shall be served in accordance of the Federal Civil Rules of Procedure.

DATED this 30<sup>th</sup> day of August, 2024.

s/ Wen Cruz

Wen Cruz, Legal Assistant